IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,	)	Cr. No. 3:11-2134 (CMC)
	)	
v.	)	**OPINION and ORDER**
	)	
Kevin Richardson,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court on Defendant's Motion for Reconsideration. ECF No. 605. On April 4, 2015, the Government responded in opposition. ECF No. 612. No further filing from Defendant has been received.

As noted in the court's previous order denying Defendant's motion to compel, under Rule 35(b), the decision to move for reduction of sentence is solely in the discretion of the Government. The district court is without authority to compel such a motion unless Defendant can show that his cooperation is complete, and that the Government breached the plea agreement or that the Government's failure to file resulted from an unconstitutional motive or was not rationally related to a legitimate government goal. *Wade v. United States*, 504 U.S. 181, 185-86 (1992); *United States v. Butler,* 272 F.3d 683, 686 (4th Cir. 2001). Defendant must make a "substantial threshold showing," *Wade*, 504 U.S. at 186, of either of these elements which should constitute more than a recitation of the assistance provided.

Defendant argues in his motion for reconsideration the Government breached the parties' plea agreement and operated in bad faith. Defendant has failed to show that he was promised a Rule 35 motion would be filed based on cooperation provided prior to sentencing and, in fact, such cooperation was credited to him at sentencing. In addition, the Government has rebutted

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Defendant's allegations of bad faith in failing to file a Rule 35 motion, and Defendant has failed to make a showing of bad faith warranting a hearing.   Therefore, Defendant's motion for reconsideration is **denied**.

      IT IS SO ORDERED.

          s/ Cameron McGowan Currie
          CAMERON McGOWAN CURRIE
          SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
April 21, 2015